PTO/SB/28 (09-04) Approved for use through 07/31/2008. OMB 0851-0031
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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING	Docket Number (Optional)
REJECTION OVER A "PRIOR" PATENT	RUBI6531D1C3
in re Application of: Roberta LEE and James VETTER	DECEME
	RECEIVED
Application No.: 10/796,328	CENTRAL FAX CENTER
Flied: March 8, 2004	OCT 1/1 2006
FOI: EXCISIONAL BIOPSY DEVICE AND METHODS	OCT 1,1 2006
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The owner*, RUBICOR MEDICAL, INC. of 100 percent interest in the instant application hereby disclalms, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,764,495 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclalmer. The owner hereby agrees that any patent application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that	
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2. The undersigned is an attorney or agent of record. Reg. No. 37,970	
^	
	September 8, 2006
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This collection of Information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiallty is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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